

August 7, 2020

UNITED STATES DISTRICT COURT

for the

Northern District of California

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

United States of America

v.

ION VELCU

Case No. **CR 20-71100-MAG**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 13, 2016 in the county of Monterey in the
Northern District of California, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1344(1)

Bank Fraud

MAXIMUM PENALTIES:

Imprisonment: 30 Years

Fine: \$1,000,000

Supervised Release: 5 Years

Special Assessment: \$100, Potential Immigration Consequences

This criminal complaint is based on these facts:

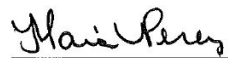
See attached affidavit of U.S. Postal Inspector Thang Bui.

☐ Continued on the attached sheet.

/s/ SvK

Complainant's signature

Approved as to form



Assistant U.S. Attorney

Thang Bui, U.S. Postal Inspector

Printed name and title

Sworn to before me via telephone pursuant to Fed. R. Crim. P. 4.1 and 4(d).

Date: August 7, 2020*Judge's signature*City and state: San Jose, CA

Hon. Susan van Keulen

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Thang Q. Bui, a US Postal Inspector with the US Postal Inspection Service, being duly sworn, hereby depose and state the following:

INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. This affidavit is submitted in support of a request for the issuance of a criminal complaint charging Ion Velcu with Bank Fraud, in violation of 18 U.S.C. § 1344(1). Because this affidavit is submitted for the purpose of obtaining an arrest warrant, I have not included each and every fact known to me in this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause for the issuance of an arrest warrant for Ion Velcu. For the reasons set forth below, I believe there is probable cause that Ion Velcu committed the foregoing violation of federal law.

AFFIANT'S BACKGROUND

2. I have been employed as a United States Postal Inspector with the United States Postal Inspection Service since August 2006, and am assigned to the San Francisco Division. My current assignment is on the External Crimes – Mail Theft and Violent Crimes team in San Jose, CA. During my 12 weeks of basic training in Potomac, MD, I received training in the investigation of various postal-related crimes, including mail theft, identity theft, postal burglaries and robberies, assaults, threats, the shipment of narcotics, and consumer fraud schemes. As part of my duties as a Postal Inspector, I have functioned as the case agent in over 130 investigations involving identity theft, theft of U.S. Mail, financial investigations, post office burglaries and robberies, assaults and threats, and counterfeit postal money orders, resulting in arrests of one or more persons for each of these cases.

3. As a federal law enforcement officer, I am authorized to investigate violations of federal law. I am familiar with the facts as set forth herein from my personal observations, interviews with victims, observations by other investigators and law enforcement officers as related to me in conversation and in written reports, and from documents and other evidence obtained as a result of this investigation.

RELEVANT STATUTE

4. Title 18 U.S.C. § 1344(1) states, in relevant part, whoever knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

STATEMENT OF PROBABLE CAUSE

Synopsis of Investigation

5. Beginning on a date unknown, but at least by November 2016, and continuing through January 2017, a group of individuals fraudulently negotiated stolen checks – mostly donation checks intended for churches – in the Northern District of California and elsewhere. During the investigation, I identified 341 stolen checks totaling \$211,618.33 that were connected to this scheme. The perpetrators deposited these checks into bank accounts held in their own names, in each other's names, or in the names of suspected family members and associates.

6. Bank surveillance images show that Ion Velcu was one of the individuals involved in this scheme. According to surveillance records, he fraudulently negotiated 66 checks worth a total of \$18,209.33 during this period.

7. A majority of the checks negotiated by Velcu were deposited into Bank of America and Wells Fargo bank accounts held in the name of Ion Velcu or Individual 1. The majority of checks were not altered prior to deposit, so that they reflected the original intended payee at the time they were fraudulently negotiated.

8. This affidavit details one of the checks fraudulently negotiated by Velcu.

November 13, 2016 Bank Fraud by Ion Velcu

9. On November 13, 2016, check number 49610059 issued by an individual bearing the initials J.P. and made payable to an entity bearing the initials E.F.C. for \$132.00 was deposited at a Bank of America ATM located at 800 Northridge Shopping Center in Salinas, California, in the Northern District of California. The check was deposited into Ion Velcu's Bank of America account ending in -4457.

10. Wells Fargo surveillance photos show that the individual who deposited the check matches Ion Velcu's California driver's license photograph. A surveillance image showing Velcu depositing the check is below.



11/13/2016 15:35:03.76
WU ATM ICAN4458
Surveillance
North-Salinas-125485

The images contained in this transmission were generated for the internal use of Bank of America and are being shared with law enforcement solely for use by law enforcement. Written consent must be obtained from Bank of America prior to sharing an image with a third party. Bank of America makes no representation or warranty of any kind with respect to any photograph, film, videotape or digital image and specifically disclaims liability to any person or entity for all damages, losses, claims, or expenses (including attorney's fees) arising from the furnishing or subsequent use, distribution or publication of any photograph, film, videotape or digital image provided to law enforcement by Bank of America. Any use or further distribution of this photograph, film, videotape or digital image by any party not employed directly by Bank of America is the sole responsibility of the user/distributor. Bank of America will only certify or attest to records or images provided under valid legal process.

11. On August 6, 2019, I spoke to J.P. on the telephone, regarding her check. J.P. stated that she made a one-time donation to E.F.C. during this time period, and she made an online request

with Wells Fargo to mail the check to the church on her behalf. J.P. said she does not know Ion Velcu, and she did not give Velcu permission to possess or negotiate her check.

12. On August 6, 2019, I visited E.F.C. in Salinas, California. I spoke to an individual bearing the initials K.D. who is a secretary with the church. I showed K.D. the check from J.P. and she recognized it because she remembered receiving a call from the bank about it. K.D. recalled that there was a mail theft problem at the church starting in 2016, when the church had an unlocked mailbox. A locking mailbox was installed, and then someone broke into that box to steal mail. The church obtained a P.O. Box after many church members reported that their mailed checks had been stolen. As a representative of the church, K.D. stated that she did not know Ion Velcu and she did not give him permission to possess or negotiate the check.

FDIC Insurance

13. Wells Fargo is insured by the Federal Deposit Insurance Corporation and was so insured at the time of the instant offense.

14. Bank of America is insured by the Federal Deposit Insurance Corporation and was so insured at the time of the instant offense.

CONCLUSION

15. Based on the foregoing facts, there is probable cause to believe that Ion Velcu knowingly committed Bank Fraud in violation of 18 U.S.C. § 1344(1). Accordingly, I respectfully request that the warrant for the arrest of Ion Velcu be issued.

REQUEST FOR SEALING

16. I respectfully request that the Court issue an order sealing the Warrant, the Complaint, and all papers submitted in support of the Complaint, including this affidavit, until further order of the Court. These documents concern an investigation that is not presently known to the target or to the public generally. I believe that sealing is necessary in order to effectuate the orderly arrest of Ion Velcu, and in order to guard against flight and destruction of evidence.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge.

/s/ SvK

Thang Q. Bui
U.S. Postal Inspector
U.S. Postal Inspection Service

Sworn and subscribed to before me over the telephone pursuant to Fed. R. Crim. P. 4.1 and 4(d) and signed by me on this 7th day of August 2020.



Honorable Susan van Keulen
United States Magistrate Judge

SEALED BY ORDER OF THE COURT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNT ONE: (18 U.S.C. § 1344(1)) - Bank Fraud

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: MAXIMUM PENALTIES

Imprisonment: 30 Years; Fine: \$1,000,000; Supervised Release: 5 years; Special Assessment: \$100; Potential Immigration Consequences

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

ION VELCU

DISTRICT COURT NUMBER

CR 20-71100-MAG**FILED**

August 07, 2020

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Postal Inspector Thang Bui

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA Maia Perez

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: None

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments: